

Appl. No. 10/025,082  
Reply to non-Final Office Action Dated Jun. 1, 2006

### **REMARKS**

Claims 1-5 and 8-24 are pending in the application. Claims 1, 10, 16, 21 and 22 are independent. No new matter has been added by amendment; claim 14 has been amended to correct a typographical error. Applicants respectfully request reconsideration of the present application.

#### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 1-5, 8, 9, and 16-20 are allowed and that claims 15 and 24 would be allowable if rewritten in independent form.

#### **Rejection of Claims 10-13 and 22**

Independent claim 10 and claims 11 and 12 (both dependent on claim 10) stand rejected under 35 U.S.C. § 102 as being anticipated by Juen et al. (US 5,812,703) because, as contended in the Office Action, paragraph 2 on page 3, Juen discloses the claims' recited "preview mode". Applicants respectfully draw the Examiner's attention to the absence of "preview mode" in claims 10-12. Moreover, the Examiner does not allege that Juen discloses each and every feature of claims 10-12. For example, the Examiner does not allege that Juen discloses "after capturing the first dark frame, determining whether said electronic image sensor is performing an image capture," as is required by claims 10-12. For at least these reasons, Applicants ask that the Examiner withdraw his rejection of claims 10-12.

As for claims 13 and 22, both of which recite "preview mode", the Applicants respectfully disagree that Juen anticipates. Juen does not disclose a preview mode. The Examiner contends that operations occurring in the period "before an object image is captured" (apparently citing Juen, col. 1, line 55) is readable on the claims' "preview mode." However, the entire sentence of Juen reads "[i]n the circuit of FIG. 2, before an object image is captured, *an imaging lens is covered* with a lens cap, for example, so as to output dark signals for a predetermined number of image planes." (Juen, col. 1, lines 54-57, emphasis added). Because Juen requires that an imaging lens be covered, Juen does not disclose a "preview mode" as claimed. As defined in the present application and as understood by one

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of ordinary skill in the art, “[a] preview mode is a mode wherein the electronic image sensor [] is exposed by the lens apparatus [] and generates a live display to the user” (para. 0024, emphasis added). Because Juen discloses that the imaging lens is covered, Juen does not disclose a preview mode. For at least this reason, Applicants request that the Examiner withdraw his rejection of claims 13 and 22.

#### **Rejection of Claims 14 and 23**

Dependent claims 14 and 23 depend from claims 10 and 22, respectively. Accordingly claims 14 and 23 are patentable for at least the reasons given above. Applicants request that the Examiner withdraw his rejection of claims 14 and 23.

#### **Rejection of Claim 21**


Independent claim 21 stands rejected under 35 U.S.C. § 102 as being anticipated by Juen et al. (US 5,812,703). Applicants respectfully disagree, noting that Juen does not disclose the “substantially continuously capturing a newest dark frame” feature of claim 21. Juen discloses the output of “dark signals for a predetermined number of image planes” (col. 1, lines 56-57, emphasis added) at a set “time of storing the fixed pattern noise” (col. 2, lines 4-5). Juen emphasizes the fixed number and time aspects by stating that “n frames of image data is recorded in the frame memory [] and then the writing operation of the frame memory [] is stopped” (col. 6, lines 44-46, emphasis added). Figure 4 of Juen and accompanying text at col 7, line 66 through col.8, line 20 further disclose that only a set number of dark signals are utilized—and are not captured substantially continuously. Thus, for at least this reason, Applicants request that the Examiner withdraw his rejection of claim 21.

#### **CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

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If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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